

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NICOLE BANKS, as Independent
Administrator of the Estate of DEXTER
ANTONIO REED, Deceased,

Plaintiff,

v.

CITY OF CHICAGO, a municipal corporation,
CHICAGO POLICE DEPARTMENT
OFFICERS ALEXANDRA GIAMPAPA (Star
13853), THOMAS SPANOS (Star 3110),
VICTOR PACHECO (Star 18337),
GREGORY SAINT LOUIS (Star 5153), and
AUBREY WEBB (Star 5105),

Defendants.

Case No. 24-cv-03271

Judge Jeffrey I. Cummings

Magistrate Judge Jeffrey Cole

AGREED MOTION TO STAY DISCOVERY

Plaintiff Nicole Banks, as Independent Administrator of the Estate of Dexter Antonio Reed (“Plaintiff”), Defendant City of Chicago (the “City”), and Defendant Officers Alexandra Giampapa, Thomas Spanos, Victor Pacheco, Gregory Saint Louis, and Aubrey Webb (the “Defendant Officers” and together with Plaintiff and the City, the “Parties”), by and through their undersigned counsel, respectfully request this Honorable Court to stay all discovery in this case pending the Parties’ settlement discussions as set forth herein. In support of this agreed motion, the Parties state as follows:

Background

1. On June 4, 2024, Plaintiff filed her First Amended Complaint (the “Complaint”) asserting various federal and state law claims against Defendants. (Dkt. 35.)

2. On July 26, 2024, Defendants filed Motions to Dismiss all claims asserted against them. (Dkt. 42, 45.) The City also filed a Motion to Strike certain allegations in the Complaint. (Dkt. 43.)

3. On July 31, 2024, this Court held an initial status hearing and ordered that, among other things, the City shall respond to Plaintiff's outstanding settlement demand by September 3, 2024; Defendants shall file any motion to stay discovery by September 6, 2024; the Parties shall issue initial written discovery requests by September 9, 2024; and the Parties shall submit a joint status report regarding settlement to the Court's settlement correspondence inbox by September 11, 2024. (Dkt. 48.)

4. On September 3, 2024, the City timely responded to Plaintiff's settlement demand.

5. On September 6, 2024, Plaintiff and the City jointly moved for an extension of certain dates from this Court's July 31, 2024 scheduling order, as follows:

- a. An extension of time for Defendants to file any motion to stay discovery from September 6, 2024 until, and including, September 13, 2024;
- b. An extension of time for Plaintiff to file responses to Defendants' Motions to Dismiss and the City's Motion to Strike from September 16, 2024 until, and including, September 30, 2024; and
- c. An extension of time for Defendants to file replies in support of their Motions to Dismiss from October 16, 2024 until, and including, October 30, 2024. (Dkt. 52.)

6. On September 9, 2024, Defendants issued their initial written discovery requests.

Plaintiff issued initial written discovery requests on the City and named officers on September 11, 2024.

7. On September 11, 2024, the Parties submitted a joint status report regarding settlement to the Court's settlement correspondence inbox.

8. On September 11, 2024, the Court granted Plaintiff and the City's joint motion for extension of time to scheduling order dates. (Dkt. 53.) Specifically, the Court ordered that "Defendants' motion to stay discovery shall be filed by 9/13/24 and shall include an agreed, proposed briefing schedule." *Id.*

Settlement Discussions and Agreed Request to Stay Discovery

9. The Parties are engaged in ongoing settlement discussions. As part of those discussions, the Parties have agreed to proceed with a settlement conference with this Court. The Parties are in the process of securing a date for the settlement conference that is mutually agreeable for all Parties and the Court. The Parties have submitted to the Court a proposed settlement conference date of October 3, 2024. If the Court is unavailable on October 3, 2024, the Parties alternatively propose October 11, 2024 for holding the settlement conference.

10. The Parties have determined that it is in their best interests at this juncture to focus their efforts on settlement, rather than dividing their attention between settlement and discovery as well as incurring discovery-related costs and expenses that may be unnecessary in the event the case ultimately settles.

11. Consequently, the Parties mutually agree and request that this Court stay all discovery pending the Parties' settlement discussions. If a settlement is not reached at or after a settlement conference with this Court, then the Parties propose that they meet and confer regarding the future course of discovery, and, if necessary, file a motion to further stay discovery within twenty-one (21) days of suspension or termination of the Parties' present settlement discussions or such other date as determined by the Court following the mediation of this matter.

12. "District courts have the inherent power to control their own dockets, including the power to stay proceedings before them." *Wilcosky v. Amazon.com, Inc.*, No. 19-cv-05061, 2023

WL 11824850, *2 (N.D. Ill. July 21, 2023) (citing *Clinton v. Jones*, 520 U.S. 681, 706 (1997)). In evaluating whether to stay a proceeding, courts consider: “(1) whether a stay will simplify the issues in question and streamline the trial; (2) whether a stay will reduce the burden of litigation on the parties and on the court; and (3) whether a stay will unduly prejudice or tactically disadvantage the non-moving party.” *Id.*

13. Here, each of these factors supports staying discovery as requested. The Parties are in agreement that the stay is appropriate, and no unfair prejudice will result. Further, a stay will simplify the issues and reduce the burden of litigation on the Parties and the Court because, in the event a settlement is reached, the litigation will be concluded. Accordingly, the Parties request that this Court grant their agreed motion to stay discovery.

14. Because the Parties are in agreement, the Parties do not propose a briefing schedule for this motion, unless deemed necessary by the Court.

WHEREFORE, Plaintiff Nicole Banks, Defendant City of Chicago, and Defendant Officers Alexandra Giampapa, Thomas Spanos, Victor Pacheco, Gregory Saint Louis, and Aubrey Webb request that this Court grant their agreed motion to stay discovery, as follows:

- (1) All discovery in this case shall be stayed pending the Parties’ settlement discussions;
- (2) If a settlement is not reached, the Parties shall file any motion to further stay discovery within twenty-one days of suspension or termination of the Parties’ settlement discussions or such other date as determined by the Court following the mediation of this matter; and
- (3) This Court grant such other relief as this Court deems just.

Respectfully submitted,

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